WP(C) 740/2007

BEFORE

THE HON’BLE MR JUSTICE B.K. SHARMA

Heard learned counsel for the parties.

While the petitioner claims to be the first wife of Late Gopal Kalita, who happened to be a Grade-IV employee of the Assam Legislative Assembly (since expired), the respondent No. 5 claims that she is the legally married wife of said Late Kalita. As per the sanction order issued by the Accountant General, Assam, it is the respondent No. 5, who is in receipt of family pension in respect of Late Kalita. Mr. D. Barua, learned CGSC representing the Accountant General as well as Assam Legislative Assembly submits that as per the available records, it is the respondent No. 5, who was introduced by the deceased as his only wife.

On the other hand, Ms. T. Talukdar, learned counsel for the petitioner submits that the petitioner is the legally married wife of Late Kalita and there is enough evidence to prove the same. In this connection, she has referred to the materials pertaining to the proceedings in the Family Court.

Learned counsel for the petitioner and the respondent No. 5 submit that the petitioner and the respondent No. 5 have arrived at a compromise, in terms of which they will share the monthly family pension in equal share i.e. 50% each. Mr. Baruah, learned representing the Accountant General submits that if the petitioner and the respondent No. 5 has made such arrangement, there will be no difficulty in disbursing the monthly family pension to both the petitioner as well as the respondent No. 5 in equal share.

It is ordered accordingly. Henceforth the family pension in respect of Late Kalita shall be paid to the petitioner and the respondent No. 5 in equal share. The petitioner may inform the office of the Accountant General as to from which Treasury Office, she will receive her share of monthly family pension.

Writ petition is disposed of. It is made clear that the issue involved is not decided on merit, but has been decided as per the compromise arrived at by and between the parties.